

JAP:UAD

**M-10-1059**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

PRE-ARRAIGNMENT

COMPLAINT

- against -

(21 U.S.C. §§ 952(a)  
and 960)

JOSEPH NWOBODO EKENE,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

JOHN GAUDIOSO, being duly sworn, deposes and states that he is a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about September 13, 2010, within the Eastern District of New York and elsewhere, defendant JOSEPH NWOBODO EKENE did knowingly, intentionally and unlawfully import into the United States from a place outside thereof heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. On September 13, 2010, defendant JOSEPH NWOBODO EKENE, a citizen of the Nigeria, arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard Air France Flight No. 22 from Paris, France.

2. During an enforcement examination by Customs and Border Protection ("CBP") officers, JOSEPH NWOBODO EKENE stated that he was traveling to the United States to purchase automobiles but did not have contact information for anyone in the United States. EKENE appeared nervous and evasive in his answers to routine questions.

3. CBP Officers inspected EKENE's luggage but found no contraband. CBP Officers also did a pat down inspection of the defendant with negative results. EKENE continued to exhibit nervous behavior, including tapping his feet and heavy breathing. EKENE was presented with an x-ray consent form which he said he understood and signed.

4. EKENE was transported to the medical facility at JFK, and an x-ray was taken of his intestinal tract. The x-ray was positive for foreign bodies. EKENE passed a pellet which field-tested positive for heroin. The defendant was placed under


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<sup>1/</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

about twenty-three (23) pellets.

5. Defendant JOSEPH NWOBODO EKENE will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that defendant JOSEPH NWOBODO EKENE be dealt with according to law.

  
JOHN GAUDIOSO  
Special Agent  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement

Sworn to before me this  
14th day of September, 2010

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HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK